

Chapter 9

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Your Employer. Your employer is required to post information and give you written materials that explain workers' compensation. If you have questions, you can contact your supervisor, someone else in management, or your employer's personnel or benefits department.

The Claims Administrator. This person handles workers' compensation claims for your employer. Most claims administrators work for insurance companies or other organizations that handle claims for employers. Some claims administrators work directly for large employers that handle their own claims. This person may also be called a claims examiner or claims adjuster. The claims administrator is required to send you written information about your claim and may

answer questions. If you can't reach the claims administrator, ask to speak with his or her supervisor.

State Division of Workers' Compensation. DWC administers workers' compensation laws and provides information and help to injured workers. Check the Government Pages at the front of the white pages of a phone book. Look under: State Government Offices/Industrial Relations. See also the DWC website: www.dwc.ca.gov.

Information & Assistance. I&A officers answer questions and help injured workers resolve problems with their claims. Their services are free. For more information, see "Questions and Answers About State Information & Assistance Services" on pages 70-72.

Medical Unit. This unit oversees medical provider networks (MPNs), independent medical review (IMR) physicians, health care organizations (HCOs), qualified medical evaluators (QMEs), utilization review (UR) plans, and spinal surgery second opinion physicians. For information or to report a problem, call toll-free: 1-800-794-6900 or 1-800-999-1041. See also the Medical Unit website: www.dwc.ca.gov (link to Medical Unit).

Workers' Compensation Appeals Board. This is where workers' compensation judges hear cases and decide on problems and disputes. If a problem can't be resolved through discussions with the claims administrator, an I&A officer can help you request a hearing before a workers' compensation judge, or an attorney can request a hearing and represent you before the judge. If you disagree with a decision of a workers' compensation judge, you can request reconsideration of the judge's decision by a seven-member Appeals Board.

Commission on Health and Safety and Workers' Compensation. CHSWC conducts ongoing studies and makes recommendations to improve the workers' compensation system and the state's activities to prevent job injuries. Studies, reports, and issues papers are posted online at the CHSWC website: www.dir.ca.gov/chswc.

Applicants' Attorneys. These are lawyers who represent injured workers in their workers' compensation cases. For more information, see "Questions & Answers About Attorneys" on pages 73-74.

Your Primary Treating Physician. You can ask your treating doctor about the kind of medical care you need, the kind of work you can do while recovering, and whether you'll have a permanent disability. You can also ask your primary treating physician and any specialists you see for copies of all medical reports that he or she sends to the claims administrator.

Labor Organizations. Your union may help resolve problems with your workers' compensation claim, tell you about other benefits, negotiate changes needed in your job, protect you from discrimination, and refer you to legal services. You can also seek help from a central labor council or building trades council in your area.

Occupational Health Clinics. Doctors at occupational health clinics specialize in work-related injuries and illnesses. For information about occupational health clinics, call the Association of Occupational and Environmental Clinics at 1-888-347-2632, or ask your personal physician or health plan. See also the AOEC website: www.aoec.org.

Injured Worker Support Groups. These groups share practical information and provide support for people with job injuries. For information about support groups and other resources for injured workers, see the website of the CTD Resource Network, Inc.: www.tifaq.org. Through this website, you can link to Support Groups.

Health & Safety Agencies and Organizations

For help with health or safety hazards at work:

California Division of Occupational Safety and Health (Cal/OSHA). Check the Government Pages at the front of the white pages of a phone book. Look up: State Government Offices/Industrial Relations/Occupational Safety & Health. Cal/OSHA takes worker complaints, inspects workplaces, and enforces health and safety laws. See also the Cal/OSHA website: www.dir.ca.gov/dosh.

Labor Occupational Health Program (LOHP), University of California at Berkeley (phone: 1-510-642-5507; website: www.lohp.org). Offers information, training, and help on health and safety matters, including workers' compensation. Serves workers, unions, and others in California and nationwide.

Labor Occupational Safety and Health Program (LOSH), University of California at Los Angeles (phone: 1-310-794-5964; website: www.losh.ucla.edu). Offers information, training, and help on health and safety matters, including workers' compensation. Serves workers, unions, and others in California and nationwide.

Other State and Federal Agencies—Financial Assistance

California Employment Development Department (EDD) (phone: 1-800-480-3287; 1-800-333-4606). For a local office, check the Government Pages at the front of the white pages of a phone book. Look under: State Government Offices. EDD gives information on State Disability Insurance (SDI) and unemployment insurance (UI) benefits. See also the EDD website: www.edd.ca.gov.

US Social Security Administration (SSA) (phone: 1-800-772-1213). For a local office, check the Government Pages at the front of the white pages of a phone book. Look under: United States Government Offices. SSA gives information on Social Security disability benefits and other benefits. See also the SSA website: www.ssa.gov.

Other State and Federal Agencies—Discrimination Complaints

Workers' compensation law. If you face discrimination for filing a workers' compensation claim or for having a job injury, you can contact an Information & Assistance officer, an applicants' attorney, or your union (if you have one).

Disability rights laws. If you face discrimination because of a permanent disability or other medical condition, you can contact an attorney who specializes in employment law. You can get names of attorneys from a local bar association, a county legal aid society, your union (if you have one), or other injured workers. You can also contact the State Bar of California about lawyer referral services (phone toll-free: 1-866-442-2529; website: www.calbar.ca.gov), or check the yellow pages of a phone book and look under: Attorney Referral Service. You can also ask for help from these agencies:

US Equal Employment Opportunity Commission (EEOC) (phone: 1-800-669-4000). For a local office, check the Government Pages at the front of the white pages of a phone book. Look under: United States Government Offices/Discrimination. See also the EEOC website: www.eeoc.gov.

California Department of Fair Employment and Housing (phone: 1-800-884-1684). For a local office, check the Government Pages at the front of the white pages of a phone book. Look under: State Government Offices. See also the DFEH website: www.dfeh.ca.gov.

Books and Other Materials

Schedule for Rating Permanent Disabilities. This state publication is used to rate permanent disabilities. There are three schedules, depending on your date of injury and the particular stage of your claim. To see the schedule that applies to you, contact a state Information & Assistance officer (see pages 70-62), or go to the Division of Workers' Compensation website: www.dwc.ca.gov (link to Publications).

If Your Employer Is Illegally Uninsured: How to Apply for Workers' Compensation Benefits (2011) and ***Si su Empleador se Encuentra Ilegalmente Sin Seguro: Cómo Solicitar los Beneficios de Compensación del Trabajador*** (2011), prepared by UC Berkeley's Institute for Research on Labor and Employment. A booklet in English and Spanish for workers in California whose employers are illegally uninsured for workers' compensation. This booklet discusses 10 basic steps to apply for benefits from the state Uninsured Employers Benefits Trust Fund if the employer does not pay those benefits. For a free copy, contact the Commission on Health and Safety and Workers' Compensation (phone: 1-510-622-3959; website: www.dir.ca.gov/chswc).

California Workers' Comp: How to Take Charge When You're Injured on the Job, 9th Edition (May 2012), by Christopher A. Ball. A detailed guide for workers, available in bookstores or from Nolo Press (website: www.nolo.com).

California Workers' Compensation Practice, Fourth Edition (updated June 2012), Continuing Education of the Bar, California. A comprehensive reference for attorneys, available in law libraries (website: www.ceb.com).

Helping Injured Employees Return to Work: Practical Guidance Under Workers' Compensation and Disability Rights Laws in California (2010), prepared by UC Berkeley's Institute for Research on Labor and Employment. For small employers, this handbook describes how to establish and implement an effective return-to-work program, coordinate return-to-work with workers' compensation benefits, and ultimately strengthen the work environment and overall health of a company or organization. For employees, it describes everyone's roles and responsibilities and what can be expected in the process. For a free copy, contact the Commission on Health and Safety and Workers' Compensation (phone: 1-510-622-3959; website: www.dir.ca.gov/chswc).

How to Create a Workers' Compensation Carve-Out in California: Practical Advice for Unions and Employers (2006). A booklet for labor unions and employers that would like to "carve out" an alternative system for delivering benefits to injured workers and resolving problems and disputes, prepared by UC Berkeley's Institute of Industrial Relations and Labor Occupational Health Program. For a free copy, contact the Commission on Health and Safety and Workers' Compensation (phone: 1-510-622-3959; website: www.dir.ca.gov/chswc).

Navigating the California Workers' Compensation System (1996). A report of injured workers' experiences, prepared by UC Berkeley's Labor Occupational Health Program. For a free copy, contact the Commission on Health and Safety and Workers' Compensation (phone: 1-510-622-3959; website: www.dir.ca.gov/chswc).

Questions & Answers About State Information & Assistance Services

Q. How can state I&A officers help me?

- A.** I&A officers can give you fact sheets, workers' compensation forms, and guides that explain how to fill out the forms. The fact sheets and guides include:

Fact sheet for injured workers: Basic facts on workers' compensation for injured workers

Fact sheet A: Answers to your questions about utilization review

Fact sheet B: Glossary of workers' compensation terms for injured workers

Fact sheet C: Answers to your questions about temporary disability benefits

Fact sheet D: Answers to your questions about permanent disability benefits

Fact sheet E: Answers to your questions about qualified medical evaluators and agreed medical evaluators

Fact sheet F: Answers to your questions about the state's Uninsured Employers Benefits Trust Fund

I&A guide 1: How to file a workers' compensation claim form

I&A guide 2: How to request a qualified medical evaluation

I&A guide 3 : How to object to your summary rating

I&A guide 4: How to file an application for adjudication of claim

I&A guide 5: How to file a declaration of readiness to proceed

I&A guide 6: How to request an expedited hearing

I&A guide 7: How to file a petition for discrimination (Labor Code 132a)

I&A guide 8: How to file a serious and willful misconduct petition

I&A guide 9: How to file a petition for commutation

I&A guide 10: How to file a lien

I&A guide 11: How to file a petition to reopen

I&A guide 12: How to file a petition for reconsideration

I&A guide 13: How to file an appeal of the administrative director

I&A guide 14: How to file a complaint with the Audit Unit

I&A guide 15: How to dismiss your attorney

I&A guide 16: How to file a claim with the Uninsured Employers Benefits Trust Fund

I&A guide 16A: How to correctly name your employer for the Uninsured Employers Benefits Trust Fund

I&A guide 16B: How to serve your employer in an Uninsured Employers Benefits Trust Fund case

I&A guide 17: How to complete a document cover sheet

I&A guide 18: How to complete a document separator sheet

I&A officers:

- May answer questions about your claim. Help is available in several languages.
- May call the claims administrator to help clear up misunderstandings.
- May hold meetings to resolve problems or disputes.
- Cannot actively prepare your case, argue on your behalf, or speak as your representative (unlike an attorney).

Q. How can I contact an I&A officer?

- A.** Call toll-free (phone: 1-800-736-7401) to hear recorded messages or request written materials.

Attend a free, one-hour I&A workshop (designed mostly for injured workers who do not have attorneys and whose cases have been accepted).

Call a local I&A officer, at an office listed on the next page.

State Division of Workers' Compensation (DWC) Information & Assistance Offices

State Information & Assistance (I&A) officers answer questions and help injured workers. Their services are free. The numbers listed below were effective as of February 2012.

Toll-Free: 1-800-736-7401

Call this number to hear recorded messages.

District Offices: (For addresses, check the Government Pages at the front of the white pages of your phone book. Look under: State Government Offices/Industrial Relations/Workers' Compensation. See also the DWC website: www.dwc.ca.gov.)

* Anaheim 1-714-414-1804	* Oxnard 1-805-485-3528	* San Jose 1-408-277-1292
* Bakersfield 1-661-395-2514	* Pomona 1-909-623-8568	* San Luis Obispo 1-805-596-4159
* Eureka 1-707-441-5723	* Redding 1-530-225-2047	* Santa Ana 1-714-558-4597
* Fresno 1-559-445-5355	* Riverside 1-951-782-4347	* Santa Rosa 1-707-576-2452
* Goleta 1-805-968-4158	* Sacramento 1-916-928-3158	* Stockton 1-209-948-7980
* Long Beach 1-562-590-5240	* Salinas 1-831-443-3058	* Van Nuys 1-818-901-5367
* Los Angeles 1-213-576-7389	* San Bernardino 1-909-383-4522	
* Marina del Rey 1-310-482-3820	* San Diego 1-619-767-2082	
* Oakland 1-510-622-2861	* San Francisco 1-415-703-5020	

Questions & Answers About Attorneys

Q. How can an attorney help me?

A. The job of an applicants' attorney is to:

- protect your rights
- plan a strategy for your case to obtain all the benefits owed to you
- be your advocate
- gather information to support your claim
- keep track of deadlines
- represent you in hearings before a workers' compensation judge
- tell you about additional claims and benefits that may be available.

Q. How are attorneys paid?

A. Most applicants' attorneys provide one free consultation. If you hire an attorney, you don't pay right away. Instead, the attorney's fee is taken out of some of your benefits later. The fee is usually 9% to 15% of your final permanent disability settlement or award. A workers' compensation judge must approve the fee.

Note: Often applicants' attorneys will not take cases where the worker does not have a permanent disability.

Q. When do I need an attorney?

A. You may need an attorney if:

- You believe your employer or the claims administrator is treating you unfairly or withholding benefits; or
- You have a permanent disability that limits you or causes pain; or
- You're not sure how to proceed with your case, and no one else will help.

Q. What are possible drawbacks of hiring an attorney?

- A.** The attorney's fee will be taken out of your benefits. Also, other people involved in your case may be allowed to speak only with your attorney on important matters, and cannot speak directly with you.

Q. How do I choose an attorney?

- A.** Choose one with experience in workers' compensation, preferably one who is certified by the State Bar of California as a workers' compensation specialist. You can get names of applicants' attorneys from the State Bar of California (phone: 1-415-538-2120; website: www.calbar.ca.gov), a local bar association, the California Applicants' Attorneys Association (phone: 1-800-648-3132 within California; website: www.caaa.org), a county legal aid society, your union (if you have one), or other injured workers.

Choose carefully. In your first meeting, see how well the attorney and his or her staff communicate with you. If you hire an attorney and then later want to switch, it may be difficult to find another attorney to take your case.